



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation

Master File No. 1:00 – 1898
MDL 1358 (SAS)

This document relates to:
*Commonwealth of Puerto Rico, et al. v. Shell
Oil, et al.*, Case No. 07-cv-10470

**STIPULATED ORDER OF DISMISSAL WITH PREJUDICE
WITH RESPECT TO RECOVERY OF DAMAGES FOR INJURY
TO NATURAL RESOURCES AT TRIAL SITE NO. 1**

WHEREAS, Plaintiffs, the Commonwealth of Puerto Rico and the Commonwealth of Puerto Rico through the Puerto Rico Environmental Quality Board (collectively referred to as "the Commonwealth" or "Plaintiffs"), allege causes of action against Defendants in the above-captioned action in part for contamination at or beneath the former Phillips Puerto Rico Core, Inc./Chevron Phillips Chemical Puerto Rico Core LLC facility in Guayama, Puerto Rico (the "Core Facility" or "Trial Site No. 1"), and/or migrating from a discharge, release and/or leak at the Core Facility;

WHEREAS, Plaintiffs selected the Core Facility as a Trial Site for the first trial of the above-captioned action;

WHEREAS, Plaintiffs agree to dismiss with prejudice all claims and causes of action in the above-captioned action based upon contamination at or beneath the Core Facility, and/or migrating from a discharge, release and/or leak at the Core Facility;

WHEREAS, Defendants agree not to raise any objections that are based upon this dismissal to evidence involving the Core Facility, and Plaintiffs agree not to refer to or offer evidence of contamination at or beneath the Core Facility, and/or migrating from a discharge,

release and/or leak of MTBE, TBA, and/or gasoline containing MTBE and/or TBA at the Core Facility.

THEREFORE, IT IS STIPULATED AND AGREED that Plaintiffs hereby dismiss with prejudice all claims and causes of action for damages or other relief asserted, or that might have been asserted, based upon contamination from MTBE, TBA, and/or gasoline containing MTBE and/or TBA at or beneath the Core Facility, and/or migrating from a discharge, release and/or leak of MTBE, TBA, and/or gasoline containing MTBE and/or TBA at the Core Facility;

IT IS FURTHER STIPULATED AND AGREED that the Core Facility will not be a Trial Site in the first trial of the above-captioned action or in any trial thereafter;

IT IS FURTHER STIPULATED AND AGREED that Plaintiffs do not dismiss any claims against any Defendant with respect to any site or location in Puerto Rico other than (i) the Core Facility or (ii) locations where contaminants migrated due to the discharge, release and/or leak of MTBE, TBA, and/or gasoline containing MTBE and/or TBA at the Core Facility;

IT IS FURTHER STIPULATED AND AGREED that Plaintiffs do not dismiss any claims, including but not limited to their products liability claims, against Chevron Phillips Chemical Puerto Rico Core, LLC or ConocoPhillips Company, except those that are based upon contamination from MTBE, TBA, and/or gasoline containing MTBE and/or TBA at or beneath the Core Facility, and/or migrating from a discharge, release and/or leak of MTBE, TBA, and/or gasoline containing MTBE and/or TBA at the Core Facility;

IT IS FURTHER STIPULATED AND AGREED that Defendants agree not to raise any objections that are based upon this dismissal to evidence involving the Core Facility, and Plaintiffs agree not to refer to or offer evidence of contamination at or beneath the Core Facility,

and/or migrating from a discharge, release and/or leak of MTBE, TBA, and/or gasoline containing MTBE and/or TBA at the Core Facility; and

IT IS FURTHER STIPULATED AND AGREED that nothing herein impacts or changes the responsibility or obligation of any party to the September 1995 Administrative Order on Consent, Docket No. II RCRA - 95 - 3008(h), or any other proceeding under the Resource Conservation and Recovery Act, as amended, with respect to solid and/or hazardous waste at the Core Facility, or under any other regulatory authority of the Commonwealth with respect to contamination or operations at the Core Facility.

By: 

William J. Jackson
William C. Petit
JACKSON GILMOUR & DOBBS, PC
3900 Essex Lane, Suite 700
Houston, Texas 77027
Phone: (713) 355-5023
Fax: (713) 355-5001

On behalf of Plaintiffs

Dated: July 3, 2014

By: 

Stephen C. Dillard
Jessica G. Farley
FULBRIGHT & JAWORSKI LLP
1301 McKinney, Suite 5100
Houston, Texas 77010
Tel: (713) 651-5151
Fax: (713) 651-5246

*On behalf of Defendants Chevron
Phillips Chemical Puerto Rico Core
LLC and ConocoPhillips Company*

Dated: July 7, 2014

SO ORDERED: 

Hon. Shira A. Scheindlin
U.S.D.J.

DATE: July 15, 2014